

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

**CHARITY CHIDINMA
EMERONYE SWIFT,**

Plaintiff,

v.

**FRONTIER AIRLINES, INC. (a Colorado
corporation), and JANE DOE,**

Defendants.

Civil Action No. 1:14-CV-1139

**Hon. Judge Anthony J. Trenga
Hon. Magistrate Judge Ivan D. Davis**

**FRONTIER AIRLINES, INC.'S OPPOSITION TO PLAINTIFF'S MOTION TO
EXTEND TIME FOR OBJECTING TO DEFENDANT'S INTERROGATORIES AND
REQUESTS FOR PRODUCTION**

Defendant Frontier Airlines, Inc. ("Frontier"), through its undersigned counsel, opposes Plaintiff's Motion to Extend Time for Objecting to Defendant's Interrogatories and Requests for Production ("Motion"). For the reasons set forth herein, Plaintiff's Motion should be denied.

ARGUMENT

It is undisputed that Plaintiff failed to serve timely objections to Frontier's interrogatories and requests for production. (Dkt. 47, Memo, p. 2.) Plaintiff's objections were due on January 5, 2015, but were not served until January 20, 2015. (*Id.*) At no time did Plaintiff request additional time from Frontier to serve its objections, and its attempt to secure additional time from the Court now, after the deadline has expired, is not warranted.

The Local Rule for Civil Procedure 26(c) provides:

(C) Objections to Discovery Process: Unless otherwise ordered by the Court, an objection to any interrogatory, request or application under Fed. R. Civ. P. 26 through 37 shall be served within fifteen (15) days after the service of the

interrogatories, request, or application; or, in a case removed or transferred to this Court after discovery was served, within fifteen (15) days after the date of removal or transfer. The Court may allow a shorter or longer time. Any such objection shall be specifically stated. Any such objection shall not extend the time within which the objecting party must otherwise answer or respond to any discovery matter to which no specific objection has been made.

(Local Civ. P. Rule 26(c)).

The Rule is clear. Plaintiff was obligated to object to Frontier's discovery requests in a timely manner. She did not do so. Plaintiff's claim that her untimely objections should be excused, "because Defendants indicated that they would like to talk regarding a possible settlement which she had hoped would make it unnecessary to answer Defendant's discovery requests" should be rejected. (Dkt. 47 at p. 2.) However, there were no settlement discussions taking place at the time Plaintiff's objections were due. Nor did Plaintiff request additional time from Frontier to serve her objections, because of the potential for settlement. Frontier is not aware of any legal authority allowing a party to ignore discovery deadlines, because they believed that the case would settle and moot the issue. Plaintiff's failure to comply with Local Rule 26(c) because "she hoped" compliance would be unnecessary was done at her own peril. Plaintiff's reprieve from this discovery failure, however, already exists because this entire issue has since been mooted. As evidenced in Frontier's Motion to Enforce the Settlement Agreement, this litigation was settled in its entirety on January 9 and the litigation should be dismissed as a result. (Dkt. 48.) Plaintiff's Motion should be denied.

CONCLUSION

WHEREFORE, Defendant Frontier Airlines, Inc. respectfully requests entry of an Order denying Plaintiff's Motion to Extend Time for Objecting to Defendant's Interrogatories and Requests for Production.

Dated: January 28, 2015

Respectfully submitted,

/s/

Sarah E. Moffett (VA Bar No. 72208)
LECLAIRRYAN, A PROFESSIONAL CORPORATION
2318 Mill Road, Suite 1100
Alexandria, Virginia 22314
Telephone: (703) 647-5930
Facsimile: (703) 647-5980
Email: sarah.moffett@leclairryan.com

- and -

Paula L. Wegman (*admitted pro hac vice*)
Steven L. Boldt (*admitted pro hac vice*)
ADLER MURPHY & MCQUILLEN LLP
20 South Clark Street, Suite 2500
Chicago, Illinois 60603
Telephone: (312) 345-0700
Facsimile: (312) 345-9860
Email: sboldt@amm-law.com
Email: pwegman@amm-law.com

Attorneys for Frontier Airlines, Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on January 28, 2015, I served the following via U.S. Mail, postage prepaid, and via electronic case filing:

Stephen Swift, Esq.
Swift & Swift, Attorneys at Law, P.L.L.C.
21 Eisenhower Avenue
Suite 200
Alexandria, VA 22314

/s/
Sarah E. Moffett